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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,903	08/30/2001	Serge Ioffe	005642.P003	2085

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,903	IOFFE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey C. Pwu	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/2/05 Amendment/RCE.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 7, 9, 13, and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/2/05 has been entered.

### ***Claim Rejections - 35 USC § 112<sup>1st</sup>***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure lacks clear written description in the description of "thematically subdividing the message". It is unclear how to thematically divide or analyze a message. Is the message being divided based on a knowledge based engine, a decision supported system, an

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artificially intelligence agent, or a text analyzer using structured database, in order to further process the messages.

***Claim Rejections - 35 USC § 112<sup>2nd</sup>***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, and 13 are vague and indefinite because it is unclear how to thematically divide a message.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-4, 7, 9, 13, and 14-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck et al. (U.S. 6,167,395).

Beck et al. teaches claims:

1. A method comprising:

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receiving a message in a data communication system; (communication call center 17)  
thematically subdividing the message into a plurality of sections based on an analysis of content in the message; (CINOS-‘customer-interaction network operating system’; “capturing (recording), analyzing, routing, and in many instances, responding via automated process to customers engaged in interactions with the enterprise; co.7, lines 18-36)  
generating an automated response to a subdivided section of the plurality of sections of the message, based on the analysis of the content; (col.7, line 8-col.8, line 65) and  
facilitating a follow-up response by sending the subdivided section of the plurality of sections of the message via the data communication system to an agent based on the analysis of content.  
 (“Agent a”, “Agent b”, “Knowledge Worker c”)

3. The method of claim 1, wherein the subdivided section of the message is reviewed again to determine if the follow-up response was generated. (col.41, lines 1-20)

4. The method of claim 3, wherein if the follow-up response was not generated, the subdivided section of the message is sent again to an agent to provide a follow-up response. (col.41, lines 1-20)

7. A machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method, the method comprising: receiving a message in a data communication system; thematically subdividing the message into a plurality of sections based on an analysis of content in the message; and generating an automated response to a

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subdivided section of the plurality of sections of the message, based on the analysis of the content: and facilitating a follow-up response by sending the subdivided section of the plurality of sections of the message via the data communication system to an agent based on the analysis of content. (col.7, line 8-col.8, line 65)

9. The machine-readable medium of claim 8, wherein the subdivided section of the message is reviewed again to determine if the follow-up response was generated. (col.41, lines 1-20)

10. The machine-readable medium of claim 9, wherein if the follow-up responses was not generated, the subdivided section of the message is sent again to an agent to provide the subsequent follow-up response. (col.41, lines 1-20)

13. A system comprising: a first unit to store a message sent from a message sender; a parser to thematically subdivide the message into a plurality of sections based on a message analysis; and a workflow system to facilitate the automatic extraction of data from a data source, the data associated with, and responsive to, a subdivided section of the plurality of sections of the message; and a router to route the subdivided section of the plurality of sections of the message including data extracted from the data source, to an agent appropriate for the subdivided section. (col.7, line 8-col.8, line 65)

14. The system of claim 13, wherein the agent provides a response to the subdivided section. (col.7, line 8-col.8, line 65)

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15. The system of claim 14, wherein the subdivided section of the message is reviewed again to determine if a subsequent response is needed. (col.41, lines 1-20)

16. The system of claim 15, wherein if a subsequent response is needed, the subdivided section of the message is sent again to an agent to provide the subsequent response. (col.40, line34-col.41, line 20)

17. The system of claim 13, wherein the analysis is to determine if the subdivided sections of the message have been responded to. (col.7, line 8-col.8, line 65)

18. The system of claim 17, wherein the subdivided section of the message not having been responded to by an agent is sent again to an agent to provide a response. (method steps 211-187)

19. The method of claim 1, further comprising: automatically extracting; supporting information that is associated with, and responsive to, the subdivided section of the message from a data source; and augmenting the subdivided section of the message with the supporting information. (see IMA – interactive media application)

20. The method of claim 19, wherein the data communication system comprises a workflow system. (see work flow of flow chart fig.6)

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21. The method of claim 1, further comprising: escalating the message if the message is not responded to after a predetermined period of time. (see IMA – interactive media application)

***Allowable Subject Matter***

8. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 3-4, 7, 9, 13, and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/5/06

**JEFFREY PWU**  
**PRIMARY EXAMINER**